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TRANSMITTAL LETTER AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: Attorney Docket No.: CAT/29US-SCROCO
Application Serial No.: 09/401,939
Filed: 9/23/1999
Title: System and Method for Providing Shopping Aids and Incentives to
Customers Through a Computer Network
Inventor: SCROGGIE et al.
Group Art Unit: 3622
Examiner: Stephen GRAVINI

SIR:

Attached hereto for filing are the following papers:

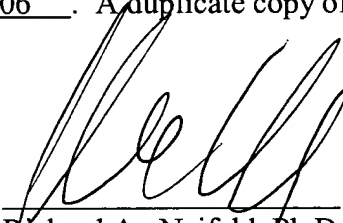
Information Disclosure Statement (In Duplicate)
Reference 1

Our check in the amount of \$180.00 is attached covering the required fees.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2106. A duplicate copy of this sheet is enclosed.

31518
PATENT TRADEMARK OFFICE

8/14/03
Date


Richard A. Neifeld, Ph.D.
Registration No. 35,299
Attorney of Record

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AUG 19 2003

GROUP 3600

Printed: August 12, 2003 (5:08pm)

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NEIFELD DOCKET NO. CAT/29US-SCROCO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: SCROGGIE ET AL.

SERIAL NUMBER: 09/401,939
FILED: 9/23/1999

: GROUP: 3622
: EXAMINER: Gravini

TITLE: SYSTEM AND METHOD FOR SHOPPING AIDS AND INCENTIVES TO CUSTOMERS THROUGH A COMPUTER NETWORK

37 CFR 1.98 INFORMATION DISCLOSURE STATEMENT

I. 37 CFR 1.98 (1) - List of Information
List of attached items:

1. Cover page and page 11 of an office action dated May 12, 2003 (now expunged on other grounds) in application 09/756,788 (attorney docket number CAT/29US-SCROCO3).

REMARKS

The examiner has now admitted in application 09/756,788 that at least his assertion as to the date of existence of www.performancebike.com was not true. See item 1.

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

Respectfully Submitted,

8/14/03
Date

31518

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Reference 1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,788	01/10/2003	Michael C. Scroggie	CAT/29US-SCRCO3	6599

31518 7590 05/21/2003
NEIFELD IP LAW, PC
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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 05/21/2003

Response Due 8/21/03

Please find below and/or attached an Office communication concerning this application or proceeding.

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AUG 19 2003
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OA - CAT29US-SCRCO3 - 030528 RB

Application/Control Number: 09/756,788

Art Unit: 3622

Page 11

anticipatory rejections

Impliedly maintaining with drawn rejections.

One of the many references which clearly anticipate the claimed invention is discussed above as to why the invention is anticipated by the prior art.

obviousness rejections

Admission That web site did not exist in 1994; contradicts prior declaration?

Examiner maintains the obviousness rejection because applicants have narrowly interpreted that the claimed invention exemplified by PerformanceBike and its recent web site antedates the prior art. Performance Bike has existed since at least the mid 1980's. Examiner has been a member of team Performance (a frequent buyer club patentably similar to the claimed invention) since 1994. It was only recently that PerformanceBike has automated the sales offered through team Performance through the use of internet, web sites and e-mails. The claimed invention is considered an automated version of purchase incentive notification sales strategies that are considered old and well known. An example of an old and well known version of the claimed invention is discussed supra under the obviousness rejection, such that automation, as claimed by the applicants, will not impart patentability under well established rulings and Office practice. Applicants' arguments are an attempt to shave the top layer of ice from a visible iceberg and advice the Titanic that the iceberg is gone. Under the broadest permissible reading of the claimed invention, the PerformanceBike iceberg is still a sizeable amount of prior art even though the applicants have shown that the last few years of the iceberg should be ignored because

Not comprehensible?

Rejection by analogy is improper.

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